

Chadds Ford Township Board of Supervisors Meeting
July 2, 2003
M I N U T E S

OFFICIALS PRESENT: Deborah Love D'Elia, Acting Chairman
 George M. Thorpe, Member
 Hugh A. Donaghue, Esquire, Township Solicitor
 James C. Kelly, Township Engineer
 Richard J. Jensen, Building Inspector, CEO
 Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER

Mrs. Love D'Elia called the meeting to order at 7:30 PM. Those present gave the Pledge of Allegiance.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES

Mrs. Love D'Elia asked that a motion be made to approve the minutes of the Board of Supervisors meeting of June 4, 2003.

MOTION TO APPROVE MINUTES

Upon motion and second (Thorpe, D'Elia), the Board members present voted to approve the minutes of June 4, 2003, draft of 7/1/03.

REPORTS

STATE POLICE REPORT

Although a representative of the State Police was not present, Mr. Thorpe reported that he had recently been informed that calls for false burglar alarms are still causing a problem for the State Police within the Township. Mr. Thorpe asked residents to be conscious of the wasted efforts this creates for the State Police and suggested that extra care be taken when using alarms.

SUPERVISOR'S REPORTS

Attendance at various meetings was to be reported during the course of the meeting.

TREASURER'S REPORT

Mrs. Furlong reported the following balances as of June 30, 2003:

Total all funds:	\$ 881,890.31
Total all deposits to General Fund:	\$ 30,498.45
Total disbursements General Fund:	\$ 41,275.09
Total disbursement Escrow Fund:	\$ 2,117.50

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Thorpe, D'Elia), the Board members present voted to approve the Treasurer's Report for June, 2003, and the payment of bills in the amount of \$41,275.09, as listed on the statement of July 1, 2003.

ROADMASTER REPORT

Mr. Prabel presented the Roadmaster's report for the month of June, 2003, a copy of which is attached hereto.

The Roadmaster expressed thanks to Mr. Jensen for the traffic control work he had done on behalf of the Township during the recent heavy rainstorms.

Mr. Reiter questioned the lack of signs marking Route 100. Mr. Prabel stated that Birmingham Township had requested de-designation of the route that PennDOT might have carried over into Chadds Ford Township. Mr. Kelly said that the issue had been discussed during a site meeting with PennDOT

officials prior to the removal of the SEPTA bridge as a means to decrease usage of the road by large trucks. Mr. Prabel will follow up PennDOT.

PLANNING COMMISSION

Mr. Taylor presented Planning Commission minutes for the meeting of Wednesday, June 25, 2003, a copy of which follows. The DiSabatino subdivision application had been approved by Planning Commission members. The applicant will subsequently seek approval by the Board of Supervisors.

ZONING HEARING BOARD

Mr. Wandersee reported that the Zoning Hearing Board had no applicants, thus no hearings during the month of June. A meeting is scheduled for July 16, 2003, for a variance request submitted by the Best of Italy Restaurant.

HARB

A meeting had been held Monday night, June 30th, but a quorum was not met. Three submissions had been made. Ken Blackburn of 5 Station Way Road had requested approval for the installation of a new roof. Also, the Pastors, 672 Webb Road, had requested approval to enclose a portion of their porch. Mr. Jensen asked the Supervisors to consider granting the relief requested to prevent additional delay to the homeowners.

MOTION TO GRANT CERTIFICATE OF APPROPRIATENESS – 672 Webb Road

Upon motion and second (Thorpe, D'Elia), the Supervisors present granted a Certificate of Appropriateness to Jack and Diane Pastor, 672 Webb Road, for the enclosure of a portion of the porch on the north side of the house.

MOTION TO GRANT CERTIFICATE OF APPROPRIATENESS – 5 Station Way Road

Upon motion and second (Thorpe, D'Elia), the Supervisors present granted a Certificate of Appropriateness to Ken Blackburn, 5 Station Way Road for the installation of a new roof.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority's report for June, 2003, a copy of which

is attached hereto.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported on the number of permits that had been issued during the month of June, 2003. A written report reflecting same has been submitted.

Mr. Thorpe commented on the high number of code violations that had been reported and the fact that inappropriate signage can make the Township look bad for all residents. He also reminded those present that it is in violation of Township ordinances to park for cars "for sale" on public roads.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report dated July 2, 2003, a copy of which follows. Bids for the 2003 Road Program had been opened this morning, with the lowest bid submitted by Joseph E. Sucher and Sons, Inc. Mr. Kelly recommended the contract be awarded to that firm.

MOTION TO AWARD 2003 ROAD PROGRAM CONTRACT TO JOSEPH E. SUCHER and SONS, Inc.

Upon motion and second (Thorpe, D'Elia) the Supervisors present approved the awarding of the 2003 Road Program contract to Joseph E. Sucher and Sons, Inc., in the amount of \$59,492.00.

Additional work to the entrance of Turner's Mill, a small amount of paving for parking at Mother Archie's Church, and some work on Heyburn Road may be added at a later date.

SOLICITOR'S REPORT

Mr. Donaghue reported on work ongoing during the month of June. Several referenda are being drafted, with a deadline of September 2, 2003, for a library referendum and a deadline of August 5, 2003,

for an Open Space referendum. The Open Space referendum must be initiated by an ordinance. Mr. Donaghue asked Board members for direction as to how to proceed.

Mrs. Love D'Elia stated that the commitment to proceed with a referendum had been made to board members of the Rachel Kohl Community Library last December, and felt that the Township must proceed. Mr. Thorpe had no problem with the library referendum, but had questions with the Open Space issue. Mrs. Love D'Elia said that as a result of the June meeting with Open Space and the packet of information that had been provided, the objectives of Open Space should be fairly clear and sufficient enough to draft an ordinance. Mrs. Love D'Elia also stated that the Taxpayer's Bill of Rights should also be considered for adoption.

It was determined that on Tuesday, July 22, 2003, at 7:30 PM, a special meeting of the Board of Supervisors will be held at the Township Hall to consider the Application for Conditional Use of Lee Fisher, adoption of an Open Space ordinance, and adoption of the Taxpayer's Bill of Rights.

OPEN SPACE COMMITTEE

Mrs. Love D'Elia reported that both she and Mr. Shipley had been present at the Open Space meeting of June 16, 2003, at which time Mrs. Reardon and committee members had presented the Supervisors with packets of information regarding the goals and objectives of the Open Space Committee.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that no meetings had been held during the month of June, however, a meeting will be scheduled to discuss the parking arrangements at Mother Archie's Church.

In response to a question posed by Mr. Thorpe, Mr. Donaghue stated that approval for funding of the Turner's Mill project cannot be accomplished by referendum. The Supervisors discussed the issue with those residents present, with Mr. Thorpe stating that he hadn't heard any opposition to the project. It was the feeling of the Supervisors present that the Township must move ahead with the renovation project to preserve the historic structure. Mr. Wandersee commented that the cost of a twenty-five year bond issue would be a very low at the present time.

Resident Eugenia Van Horne commented that it might be more economical to construct a new building in the Henderson office complex. Mr. Thorpe replied that the possibility had been investigated, with that projected cost actually being higher than the Turner's Mill proposal. Mrs. Sabina Taylor questioned what the actual increase in tax millage would be. There was also discussion among Mr. Reiter and the Supervisors as to the possible flooding of Ring Road in bad weather.

EMERGENCY MANAGEMENT COORDINATOR

A report was not available.

FIRE MARSHALL

Ms. Love D'Elia reported that Mr. Shipley is working on a proposed Fire Marshall Ordinance and that the Open Burning issue will be discussed at the next regular meeting of the Board.

FINANCIAL ADVISORY BOARD

Ms. Love D'Elia stated that the Financial Advisory Board had met on June 19, 2003, at the Township building. A number of topics were discussed, among them the recommendation of new auditors for the Township and proposals from Elko and Associates. Further meetings will be held with the two accounting firms who had submitted audit proposals.

OLD BUSINESS

TOLL BROTHERS/CAMP SUNSET HILL COMMUNITY MEETING

A meeting with representatives of Toll Brothers has been scheduled for Tuesday, July 15th at 7:30 PM, at St Cornelius' Walker Hall, at which time Toll Brothers will present various proposals for subdivision of the area. Mrs. Love D'Elia stated that responses to letters from residents will be forthcoming.

EXPANSION OF BEST OF ITALY RESTAURANT

Mr. Thorpe reported that after discussing the variance application at last month's Board of Supervisor's meeting, he had spoken with Mr. Jensen, visited the site and reviewed the Township's ordinances. Mr. Thorpe felt that an expansion of the restaurant as suggested would result in a shortage of parking spaces by about 46. Therefore, Mr. Thorpe recommended that the Township solicitor be sent to oppose the variance request. Mr. Jensen added that there is also a possibility of "spill over" parking from adjoining businesses. Mr. Murray commented that the "spill over" theory was questionable.

MOTION TO OPPOSE VARIANCE REQUEST – BEST OF ITALY RESTAURANT

Upon motion and second (Thorpe, D'Elia), the Supervisors present voted to send the Township Solicitor to the Zoning Hearing Board hearing scheduled for July 16th to oppose expansion of the Best of Italy Restaurant.

NEW BUSINESS

DILWORTHTOWN HISTORIC DISTRICT ISSUE - FRANK REAGOSO

Frank Reagoso came before the Board seeking a recommendation as to the possibility of building a home on a 2.4 acre parcel in the Dilworthtown historic district. The parcel already includes an historic twin home that straddles the property line. HARB has issued a letter stating that members feel the twin home is a supporting structure to the Dilworthtown village and indeed worth saving. Mr. Reagoso is proposing to renovate the historic structure and would then use it as a rental property. The current zoning is R1 residential, with a two acre minimum.

There was much discussion among Township representative and Mr. Reagoso as to possible ways to resolve the problem. Mr. Jensen suggests making the twin an accessory building to the new home as either a home office or storage shed. Mr. Jensen further stated that as long as the building is not rented, it would comply with zoning requirements. Mr. Kelly said that there is no requirement for a separate sewage system, but that the twin would have to be tied into the system for the new construction.

Mrs. Love D'Elia stated that the Board of Supervisors would not make exception to allow another structure on the lot. Mr. Thorpe would like to see verification to support Mr. Reagoso's claim of a "unique situation" before considering any change in current zoning requirements. Mr. Reagoso was to consider the options presented.

PLANNING MODULE – CARRABBA'S ITALIAN GRILL

Mr. Kelly reviewed the present status of the sewage issue for Carrabba's Italian Grill. Adoption of Resolution 15 is necessitated by DEP regulations. The application must be made by the Township on behalf of the applicant.

MOTION TO APPROVE RESOLUTION 2003-15 – PLANNING MODULE for CARRABBA'S ITALIAN GRILL

Upon motion and second (Thorpe, D'Elia), the Supervisors present approved Resolution 2003-15, the mechanism by which Carrabba's Italian Grill may proceed with the development of its septic system per specifications by DEP.

SOVEREIGN BANK – MARSHALL ROAD PRESENTATION

Tim Smith, PE, Chester County Innovations, Ronald C. Moore, Mr. Reamer. Traffic Consultant with Pennoni Associates, and Michael Lyons, Esquire presented a proposal for the construction of a 3500 square foot Sovereign Bank building with three drive-through windows at the corner of Route 202 and Marshall Road. Traffic count data had been conducted and presented to PennDOT, with a PennDOT representative stating that he “has no problem with a full movement access driveway on Route 202 for this site as proposed” (Meeting Minutes of June 11, 2003, as prepared by Pennoni Associates. A copy follows).

Mr. Thorpe and Mrs. Love D’Elia both questioned access from Route 202 north without the presence of a deceleration lane. Mr. Prabel, Mr. Jensen and Mr. Kelly all voiced concerns regarding the distance from Route 202 to the proposed entrance on Marshall Road; the proximity of the proposed entrance on Route 202 and the corner of Marshall Road, and the proximity of the proposed entrance on Route 202 and egress from the driveway at Glen Eagle Square.

There was extensive discussion as to possible solutions, among them the elimination of access from Route 202 or egress only onto Route 202.

Mr. Thorpe did not agree with PennDOT’s remarks as to access from Route 202 and objected to those findings. Ms. Love D’Elia suggested that the group resubmit the proposal after redesign.

DiSABATINO SUBDIVISION APPROVAL

Robert Flinchbaugh, PE, Regester Associates, presented the proposed subdivision application of Christopher DiSabatino, 103 Heyburn Road. Mr. Flinchbaugh reviewed the outstanding comments of Kelly Associates pursuant to the June 25th meeting Planning Commission. There was discussion as to a Sanitary Sewer easement that had been proposed through the Hall property along Heyburn Road. The Board’s approval is conditioned upon resubmission of plans depicting two easements for sewer lines.

MOTION TO ADOPT RESOLUTION 2003–16 DiSABATINO SUBDIVISION PRELIMINARY/FINAL PLANS

Upon motion and second (Thorpe, D’Elia), the Supervisors present approved Resolution 2003-16, subject to the five conditions set forth therein.

RELEASE OF ESCROW MONIES – VARIOUS DEVELOPMENTS

Mrs. Furlong reported that in response to requests from the following applicants and subject to final determination as to outstanding bills, she was recommending release of escrow funds in the following amounts:

Giunta	-	Zoning Hearing Board - \$	
700.00			
Montchanin Design	-	Grading Escrow	-
\$ 717.50			
Swift Pools, 21 Mountainview	-	Grading Escrow	-
\$ 700.00			

The Montchanin escrow check had been deposited into the general fund in error, but because the job had been cancelled so soon and a refund requested, a refund check was being issued on the general fund account.

At the May 7, 2003 meeting, the Board had approved release of the following escrow funds and had signed refund checks issued in the full amounts. However, outstanding bills had been found and new checks had to be issued.

Giunta	Zoning Hearing Board - \$
309.02	
Gajods	Zoning Hearing Board - \$
493.39	

MOTION TO APPROVE RELEASE OF ESCROW FUNDS

Upon motion and second (Thorpe, D'Elia), the Board of Supervisors unanimously approved the release of escrow funds in the amounts and to the applicants as listed above.

SPECIAL ANNOUNCEMENT

Mrs. Bonnie Taylor announced that the Sewer Authority's monthly meeting, regularly scheduled for Tuesday, July 15th has been rescheduled for Tuesday, July 29, 2003, at 7:30 PM.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:38 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary